 <p>ARIZONA DEPARTMENT OF CORRECTIONS</p> <p>DEPARTMENT ORDER MANUAL</p>	CHAPTER: 800 INMATE MANAGEMENT	OPR: DIR OPS
	DEPARTMENT ORDER: 802 <i>INMATE GRIEVANCE PROCEDURE</i>	SUPERSEDES: DO 802 (7/13/2009) DI 287 (05/28/10)
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PURPOSE

The Department provides inmates with access to an Inmate Grievance Procedure to provide opportunity for informal resolution and a formal review of an issue impacting conditions of confinement or institutional life which personally affect the inmate grievant. This Department Order provides timely, administrative remedies to inmate complaints which might otherwise unnecessarily burden the courts.

RESPONSIBILITY

All Department staff are responsible for promoting meaningful dialogue and timely written communication with inmates to resolve inmate complaints and disputes at the lowest possible level in the organization and at the earliest possible opportunity.

The Division Director for Offender Operations is responsible for the overall operation of the Inmate Grievance Procedure. Under the direction of the General Counsel, the Central Office Appeals Unit Administrator and Appeals Officers are responsible for monitoring the effectiveness of the procedure and ensuring all appeals are presented to the Director for review. Wardens are responsible for ensuring they serve as the first level of appeal in the grievance process, and Department staff follow all procedures outlined in this Department Order.

PROCEDURES

802.01 GENERAL INFORMATION

- 1.1 The Inmate Grievance Procedure is designed to address inmate complaints related to any aspect of institutional life or condition of confinement which directly and personally affects the inmate grievant including Department Orders, Director's Instructions, Post Orders, Technical Manuals, and written instructions, procedures and the actions of staff.
- 1.2 The following are not grievable under the Inmate Grievance Procedure:
 - 1.2.1 Actions of the Governor or State Legislature.
 - 1.2.2 Decisions of the Board of Executive Clemency.
 - 1.2.3 Judicial proceedings or decisions of the Courts.
- 1.3 The Inmate Grievance Procedure does not serve as a duplicate appeal process or substitute appeal process for the following, which have independent appeal processes:
 - 1.3.1 Disciplinary Hearing Process outlined in Department Order #803, Inmate Discipline Procedures.
 - 1.3.2 Publication Screening and Review outlined in Department Order #914, Inmate Mail.
 - 1.3.3 Protective Segregation outlined in Department Order #805, Protective Segregation.
 - 1.3.4 Security Threat Group Validation outlined in Department Order #806, Security Threat Groups (STGs).
 - 1.3.5 Classification action outlined in Department Order #801, Inmate Classification.

- 1.4 Inmates who attempt to file grievances and appeals for actions outlined in 1.3 of this section will be instructed to follow the appeal process outlined in the specific Department Order or written instruction. Appeals to the Central Office Appeals Unit on these actions may be considered only if the primary issue is outside the scope of the established appeals process.
- 1.5 Pursuant to the Prison Litigation Reform Act of 1996 (PLRA), inmates shall completely exhaust the Department's internal grievance and administrative processes prior to filing any complaint with any State Board or Federal Court.
- 1.6 Inmates may utilize the Inmate Grievance Procedure regardless of their disciplinary status, housing location or classification. Appropriate provisions shall be made to ensure inmates who are not fluent in English, persons with disabilities, inmates with low literacy levels, the elderly and the mentally ill have access to the Inmate Grievance Procedure.
- 1.7 Wardens shall ensure there are no barriers for inmate access to Inmate Grievance forms and inmates have the ability to file grievances and appeals in a timely and confidential manner.
- 1.8 Inmates are not required to use the formal Inmate Grievance Procedure to submit a verbal or written emergency complaint.
 - 1.8.1 An emergency is a condition which, if processed through the normal grievance time frames, would subject the inmate to substantial risk of medical harm, personal injury or cause other serious and irreparable harm.
 - 1.8.2 Any emergency complaint received by staff shall be immediately evaluated through the chain of command to determine whether it is an emergency as defined in 1.8.1 of this section and requires immediate response outside of the Inmate Grievance Procedure time frames.
- 1.9 Staff receiving an Informal Complaint or Formal Grievance at any level that describes activity which may be in violation of the Prison Rape Elimination Act Of 2003, 24 U.S.C.A. 15601 through 15609 shall immediately initiate Department Order #125, Sexual Offense Reporting and notify the shift commander who shall notify the unit Deputy Warden or institution Warden.
- 1.10 Inmates may file grievances and appeals directly to the Warden when the content of the grievance is of a nature which would pose a threat to the safety of the inmate, staff, or other inmates if the grievance were filed through established procedures.
- 1.11 Unless notified of an extension of time frames, expiration of any time limit for a response at any stage in the process shall entitle the inmate grievant to move to the next step in the process. Extensions at any step in the grievance process shall not exceed 15 working days.
 - 1.11.1 If an inmate does not receive a response within the time period specified, his/her time to proceed to the next stage of the grievance process is the same as if he/she had received a response. The time to proceed to the next stage of the grievance process begins to run the day after a response was due back to the inmate.
- 1.12 The maximum length of time for completion of the grievance process is 120 calendar days from initiation of the formal grievance process to final disposition.

802.02 INFORMAL COMPLAINT RESOLUTION

- 1.1 Inmates shall attempt to resolve their complaints through informal means including, but not limited to, discussion with staff in the area most responsible for the complaint or through the submission of an Inmate Informal Complaint Resolution, Form 802-11.
- 1.2 In the event an inmate is unable to resolve their complaint through informal means, he/she may submit an Informal Complaint on an Inmate Informal Complaint Resolution form to the Correctional Officer (CO) III in their respective unit. The Informal Complaint must be submitted within ten workdays from the date of the action which caused the complaint. The inmate shall attach copies of all documentation to support his/her complaint.
- 1.3 The CO III shall:
 - 1.3.1 Investigate and attempt to resolve the complaint informally.
 - 1.3.2 Provide a response to the inmate within 15 workdays using the Inmate Informal Complaint Response, Form 802-12.
 - 1.3.3 For Medical Informal Complaint Resolutions, contact the appropriate medical staff to attempt to resolve the complaint and to respond to the inmate's Informal Complaint.
- 1.4 The inmate may file a Formal Grievance if he/she is dissatisfied with the Inmate Informal Complaint Response from the CO III. In the event the CO III has not attempted to resolve the problem for the inmate, the grievance shall be returned to the CO III for further action.

802.03 FORMAL GRIEVANCE PROCESS (NON-MEDICAL)

- 1.1 An inmate may file a Formal Grievance should he/she be unable to resolve their complaint informally. The inmate has five workdays from receipt of the response from the CO III to submit a Formal Grievance to the unit CO IV Grievance Coordinator using the Inmate Grievance, Form 802-1.
- 1.2 The inmate shall place a single complaint with related issues on a single Inmate Grievance form. If the inmate includes multiple unrelated issues on a single form or submits a duplicate complaint, the submission of the grievance shall be rejected and returned to the inmate as unprocessed.
- 1.3 The inmate shall submit the Inmate Grievance form to the unit CO IV Grievance Coordinator. The CO IV Grievance Coordinator shall log and assign a number to each Inmate Grievance form using the Unit Coordinator Grievance Log, Form 802-9.
- 1.4 The unit CO IV Grievance Coordinator may request an additional investigation be conducted and may assign any unit staff member to the investigation to aid in the resolution of the grievance. The inmate shall be notified in writing of any extensions as outlined in 802.01, 1.10 of this Department Order.
- 1.5 Within 15 working days following receipt of the Formal Grievance, the Deputy Warden shall issue a written response to the inmate.
 - 1.5.1 The written response to the inmate shall include:

- 1.5.1.1 A summarization of the inmate's complaint.
- 1.5.1.2 A description of what action was taken to investigate the complaint.
- 1.5.1.3 A summary of the findings.
- 1.5.1.4 The decision and supporting rationale in reaching the decision.
- 1.5.2 The decision from the unit level shall either be "Resolved" or "Not Resolved".
- 1.5.3 Should the response indicate the grievance is "Not Resolved" due to a Department written instruction, the specific Department Order, Director's Instruction, or Post Order or other written instruction or directive shall be noted in the response.
- 1.5.4 The Deputy Warden shall sign the written response to the inmate. Any attachments shall remain with the original grievance form.

802.04 FORMAL GRIEVANCE PROCESS (MEDICAL)

- 1.1 Upon receipt of any Medical Grievance, the unit CO IV Grievance Coordinator shall immediately forward the Formal Grievance form to the Contract Health Site Manager. Within 15 workdays of receipt, the Contract Health Site Manager shall:
 - 1.1.1 Investigate the complaint.
 - 1.1.2 If it is determined the grievance cannot be resolved by a written response, meet with the inmate submitting the Formal Grievance prior to preparing a written response. An attempt shall be made during the meeting to mutually resolve the grievance issue consistent with the essential medical needs of the inmate and the provision of medical services established by existing standards of required care and the system of written instructions.
 - 1.1.3 Prepare a written response to the inmate's Formal Grievance. The written response to the inmate shall include:
 - 1.1.3.1 A summarization of the inmate's complaint.
 - 1.1.3.2 A description of what action was taken to investigate the complaint to include the date and content if a personal meeting with the inmate was conducted as outlined in 1.1.2 of this section.
 - 1.1.3.3 A summary of findings.
 - 1.1.3.4 The decision and supporting rationale in reaching the decision.
 - 1.1.3.5 Return the documentation to the inmate through the unit CO IV Grievance Coordinator.

802.05 FIRST LEVEL APPEAL TO THE WARDEN (NON-MEDICAL)

- 1.1 Within five workdays of receiving the Formal Grievance response from the Deputy Warden, the inmate may elect to appeal the decision by submitting an Inmate Grievance Appeal, Form 802-3 to the Warden.

- 1.2 The Warden shall review the inmate's Formal Grievance and Informal Complaint Resolution, the investigation and the response signed by the Deputy Warden. The Warden may return the inmate Formal Grievance to the Deputy Warden or the unit CO IV Grievance Coordinator for an additional investigation.
- 1.3 Within 20 workdays, the Warden or designee shall issue a written response to the inmate which either affirms or reverses the decision of the Deputy Warden. Should the Warden reverse the decision of the Deputy Warden, the Warden shall provide the inmate with written notification of what corrective action is being taken.
- 1.4 The Warden's office shall ensure appropriate remedies for valid grievances are provided, which may include, but not limited to, changes in unit and institution procedures, recommendations for changes to Department Orders or Director's Instructions and corrective action taken on the inmate specific issue, such as correction to the inmate's account, location of lost property, etc.
- 1.5 Each institution has the authority to adjust grievance claims for inmate property loss which have an adjusted value up to and including \$450 per occurrence. The inmate must initiate the claim by filing an Inmate Grievance form. Resolution shall be in accordance with the established Risk Management Procedures.
- 1.6 Medical Grievances may not be appealed to the Warden.

802.06 MEDICAL APPEALS TO THE DIRECTOR

- 1.1 The unit CO IV Grievance Coordinator shall immediately forward any Medical Grievance Appeals to the Health Services Monitoring Bureau, Grievance Investigator for logging, processing, and investigation. Inmates may not file an appeal to the Director until the Inmate Grievance Procedure within their assigned unit and institution has been exhausted.
- 1.2 The Grievance Investigator for Health Services Monitoring Bureau shall:
 - 1.2.1 Review all Medical Grievances in consultation with the Assistant Director for Health Services Contract Monitoring Bureau and contracted physicians as necessary.
 - 1.2.2 Prepare a response and submit it to the Director for signature.
- 1.3 Rationale used to reach decisions pertaining to Inmate Grievance Appeals shall be included in the response sent to the inmate, with a copy to the Contract Health Site Manager, and shall specify whether the decision of the Director is:
 - 1.3.1 Affirmed.
 - 1.3.2 Partially affirmed.
 - 1.3.3 Reversed.
- 1.4 The Director may delegate signature authority for any and all Grievance Appeal responses.
- 1.5 The decision of the Director is final and constitutes exhaustion of all remedies within the Department.

802.07 APPEALS TO THE DIRECTOR (NON-MEDICAL)

- 1.1 Within five workdays from the date the inmate received the decision of the Warden the inmate may elect to appeal the decision of the Warden to the Director. Inmates may not file an appeal to the Director until the Inmate Grievance Procedure within their assigned unit and institution has been exhausted.
- 1.2 The inmate shall submit the Inmate Grievance Appeal form to the unit CO IV Grievance Coordinator who shall log, process and forward all documents to the Central Office Appeals Officer within five workdays of receiving the appeal from the inmate.
- 1.3 The Central Office Appeals Officer may return any Grievance Appeals to the unit CO IV Grievance Coordinator for further investigation or which does not meet the requirements of this Department Order.
- 1.4 Within 30 calendar days of receiving the Inmate Grievance Appeal, the Central Office Appeals Officer shall prepare a response and submit it to the Director for signature.

802.08 INTERSTATE COMPACT AND CONTRACT BED GRIEVANCES

- 1.1 Inmates housed out-of-state through Interstate Compact Agreements or assigned to a Contract Bed facilities in-state or out-of-state shall be provided an opportunity to file Inmate Grievances and Appeals.
- 1.2 Inmate shall first attempt to resolve issues using the Informal and Formal Grievance Procedures made available to them at the institution and/or State in which they are housed. Complaints related to issues of basic daily living, such as food, clothing and property, shall first be addressed to the facility or jurisdiction where the inmate is being housed. Only issues specifically related to an action by the Arizona Department of Corrections may be elevated to a Formal Grievance.
- 1.3 Interstate Compact Inmates – For inmates transferred through Interstate Compact, the Interstate Compact Supervisor shall act in the capacity of the Deputy Warden and shall complete all steps outlined in section 802.03 of this Department Order. The Central Office Security Operations Administrator or designee shall act in the capacity of the Warden for the first level of the Inmate Grievance Appeals as outlined in section 802.05 of this Department Order.
- 1.4 Contract Beds Inmates – For inmates housed in Contract Beds facilities, whether in-state or out-of-state, the Department Contract Monitor shall ensure the contracted facility has a meaningful grievance procedure which affords inmates the opportunity to resolve issues at the local level.
 - 1.4.1 The Contract Monitor shall act in the capacity of the Deputy Warden as outlined in section 802.03 of this Department Order.
 - 1.4.2 The Contract Beds Administrator or designee shall act in the capacity of the Warden for first level inmate Grievance Appeals as outlined in section 802.05 of this Department Order.
 - 1.4.3 The contracted prison Health Administrator shall be responsible to respond to inmate health care grievances.
- 1.5 Consideration shall be given to inmates being housed out-of-state; the time frames for filing Inmate Grievances and Appeals may be waived accordingly.

802.09 REJECTED AND UNPROCESSED GRIEVANCE(S)

- 1.1 The following Informal Complaint(s), Formal Grievance(s), or Appeal(s) shall be rejected and returned to the inmate as unprocessed:
 - 1.1.1 Threatens serious bodily harm to staff, inmates or the general public.
 - 1.1.2 Raises multiple unrelated issue(s) on a single form.
 - 1.1.3 A duplicate Complaint, Grievance or Appeal.
 - 1.1.4 Raises an issue previously addressed through the grievance process.

802.10 PROTECTION AGAINST REPRISAL

- 1.1 Retaliation or threat of retaliation for use of the Inmate Grievance Procedure is strictly prohibited. The inmate may pursue any alleged or threatened retaliation through the Inmate Grievance Procedure. Employees found to be in violation of this section shall receive disciplinary action as outlined in Department Order #601, Administrative Investigations and Employee Discipline.
- 1.2 Failure of an inmate to substantiate his/her grievance allegations shall not, by itself, be used as grounds to initiate disciplinary action against the inmate. If it is found the inmate has intentionally falsified information in the Informal Complaint, Formal Grievance or Appeal, the unit CO IV Grievance Coordinator may recommend disciplinary action after consultation with the Central Office Appeals Administrator.
- 1.3 Staff responses to inmate Informal Complaints, Formal Grievances and Appeals shall be professional and shall not include any demeaning or degrading language or inappropriate remarks.
- 1.4 All documents relating to the Inmate Grievance Procedure are confidential and shall not be shared with any other inmate or staff member outside of the investigative and appeal process.

802.11 ORIENTATION AND TRAINING

- 1.1 A written explanation and instructions for the use of the Inmate Grievance Procedure shall be made available to all staff. Both an oral and written explanation of the Inmate Grievance Procedure shall be made available to all new staff at Employee Orientations and shall be included in the Correctional Officer Training Academy (COTA) curriculum.
- 1.2 Inmates shall receive a written and oral explanation of the Inmate Grievance Procedure in reception centers and as part of the orientation process in any subsequent facility.

802.12 REPORTING AND RECORDS REQUIREMENTS

- 1.1 The Warden shall designate staff at their institution and ensure Deputy Wardens designate a staff member at their unit to record and enter information regarding inmate grievances into the Monthly Statistical Report, Form 802-10.
- 1.2 The Central Office Appeals Administrator shall collect and review Monthly Statistical Report form data and evaluate the effectiveness of the grievance process.

- 1.3 The Central Office Appeals Administrator shall conduct an annual assessment of the Inmate Grievance Procedure. Comments shall be solicited from staff and inmates and shall be summarized in the assessment report. This report shall be due on or before June 30 of each year and shall reflect information for the preceding fiscal year.
- 1.4 The unit CO IV Grievance Coordinator at each unit and Appeals Officer at Central Office shall maintain all grievance records to include "unprocessed grievances" in a confidential and secure storage area. Inmate Grievances and Appeals are confidential and shall not be included in the Inmate Master File or any institutional file.
- 1.5 Inmate grievance records shall be maintained for five years following the date of the last appeal response.

DEFINITIONS

GRIEVANCE - A complaint filed by an inmate related to any aspect of institutional life or conditions of confinement which personally affects the inmate grievant.

INFORMAL RESOLUTION - Any attempt to resolve a complaint prior to attempting to resolve the issue through a formal process.

MEDICAL GRIEVANCE - A complaint related to medical issues including but not limited to medical, dental, psychological, psychiatric services, and related medical staff.

UNPROCESSED - A condition which results from the paper work addressing a particular issue being returned to an inmate without being assigned a case number or being processed in any manner.

{Original Signature on File}

Charles L. Ryan
Director

ATTACHMENTS

Attachment A - Standard Grievance Process
Attachment B - Medical Grievance Process

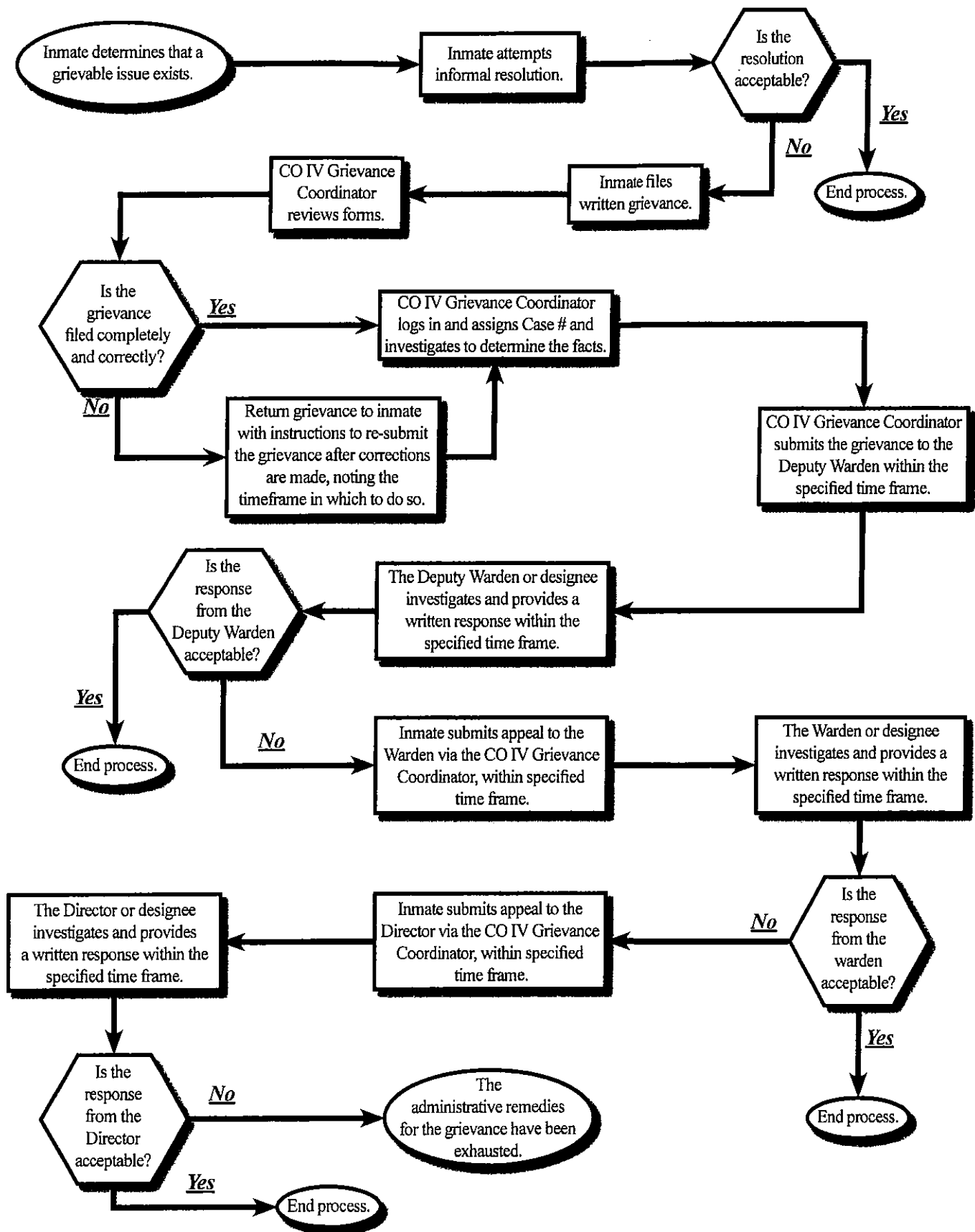
FORMS LIST

802-1, Inmate Grievance
802-2S, Inmate Grievance (Spanish)
802-3, Inmate Grievance Appeal
802-4S, Inmate Grievance Appeal (Spanish)
802-9, Unit Coordinator Grievance Log
802-10, Monthly Statistical Report
802-11, Inmate Informal Complaint Resolution
802-12, Inmate Informal Complaint Response

AUTHORITY

28 CFR Part 40, Order 957-81, Standards for Inmate Grievance Procedures.

Inmate Grievance - Standard Grievance Process



Inmate Grievance - Medical Grievance Process (Non-Emergency)

